

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**Eastern Division**

PENNYMAC LOAN SERVICES, LLC,  
  
Plaintiff,

CIVIL ACTION  
**Case No: 2:19-cv-00193-TBM-  
MTP**

-VS-

SITCOMM ARBITRATION  
ASSOCIATION, MARK MOFFETT,  
SANDRA GOULETTE, RONNIE  
KAHAPEA, MARK JOHNSON, KIRK  
GIBBS, and ALARIC SCOTT,

Defendants.

**PLAINTIFF PENNYMAC  
LOAN SERVICES, LLC’S  
MOTION TO DISMISS THE  
“CHALLENGE TO COURTS  
JURISDICTION” FILED BY  
DEFENDANTS BRETT  
“EEON” JONES, RANCE  
MAGEE, MARK MOFFETT  
AND KIRK GIBBS [D.E. 98],  
AFFIDAVIT IN THE FORM OF  
A PETITION FOR  
DECLARATORY JUDGMENT  
[D.E. 103], AND UNTIMELY  
FILING, DEFAULT HAVING  
BEEN REQUESTED [D.E. 106]**

**PLAINTIFF PENNYMAC LOAN SERVICES, LLC’S MOTION TO  
DISMISS DEFENDANTS BRETT “EEON” JONES, RANCE MAGEE,  
MARK MOFFETT AND KIRK GIBBS’ “CHALLENGE TO COURTS  
JURISDICTION [D.E. 98], AFFIDAVIT IN THE FORM OF A PETITION  
FOR DECLARATORY JUDGMENT [D.E. 103], AND UNTIMELY FILING,  
DEFAULT HAVING BEEN REQUESTED [D.E. 106]**

COMES NOW plaintiff, PennyMac Loan Services, LLC (“PennyMac”) to  
file its Motion to Dismiss defendants Brett “Eeon” Jones (“Eeon”), Rance Magee  
 (“Magee”), Mark Moffett (“Moffett”), and Kirk Gibbs’ (“Gibbs”) “Challenge to

Courts [*sic*] Jurisdiction,” [D.E. (“Docket Entry”) 98], Affidavit in the Form of a Petition for Declaratory Judgment [D.E. 103], and Untimely Filing, Default Having Been Requested [D.E. 106] showing unto the Court the following:

1. The “Challenge to Courts Jurisdiction; Counterclaim/Suit; . . . Motion to Dismiss Opposition Complaint; . . . and Motion to [Compel] Arbitration . . .” (“Motion”) filed by defendant Brett “Eeon” Jones on behalf of himself, as well as defendants Mark Moffett (“Moffett”), Kirk Gibbs (“Gibbs”), and Rance Magee (“Magee,” with Eeon, Moffett, and Gibbs, “Defendants”), as well as the “Affidavit in the Form of a Petition for Declaratory Judgment” [D.E. 103] (“Affidavit”) and “Untimely Filing, Default Having Been Requested, Failure of Due Process” [D.E. 106] (“Default Request”) filed by Eeon should be dismissed and/or stricken because they are largely incoherent, unorganized, and procedurally improper.
2. The Court previously entered defaults as to Eeon, Moffett, and Magee; Gibbs is the only defendant who has a valid responsive pleading on file. Accordingly, Eeon, Moffett, and Gibbs are not entitled to submit any pleadings to the Court and the Motion [D.E. 98] should be denied on this basis alone.

3. The Motion [D.E. 98] is improper because Eeon is not an attorney as far as PennyMac is aware, and cannot represent other named defendants in this case.
4. The Motion [D.E. 98], Affidavit [D.E. 103], and Default Request [D.E. 106] are entirely incoherent, and do not actually assert a counterclaim against any individual or entity.
5. The Affidavit [D.E. 103] and Default Request [D.E. 106] are improper because Eeon is not entitled to declaratory judgment on “double jeopardy” claims and cannot obtain PennyMac’s default when PennyMac has timely responded to the Motion.

Dated: December 21, 2020

Respectfully submitted,

/s/ Jessica A. McElroy

Cheryl S. Chang (admitted *pro hac vice*)

Nicole Bartz Metral (admitted *pro hac vice*)

Jessica A. McElroy (admitted *pro hac vice*)

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*Counsel for Plaintiff*

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **BLANK ROME LLP**, 2029 Century Park East, 6<sup>th</sup> Floor, Los Angeles, California 90067.

On **December 21, 2020**, I served the foregoing document(s):

**PLAINTIFF PENNYMAC LOAN SERVICES, LLC'S MOTION TO DISMISS DEFENDANTS BRETT "EEON" JONES, RANCE MAGEE, MARK MOFFETT AND KIRK GIBBS' "CHALLENGE TO COURTS JURISDICTION [D.E. 98], AFFIDAVIT IN THE FORM OF A PETITION FOR DECLARATORY JUDGMENT [D.E. 103], AND UNTIMELY FILING, DEFAULT HAVING BEEN REQUESTED [D.E. 106]**

**on the interested parties in this action addressed and sent as follows:**

**SEE ATTACHED SERVICE LIST**

- ☒ **BY ENVELOPE:** by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as indicated and delivering such envelope(s):
- ☒ **BY CERTIFIED MAIL:** I caused such envelope(s) to be deposited in the mail at Los Angeles, California with postage thereon fully prepaid to the office or home of the addressee(s) as indicated. I am "readily familiar" with this firm's practice of collection and processing documents for mailing. It is deposited with the U.S. Postal Service on that same day, with postage fully prepaid, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- ☒ **BY FEDEX:** I caused such envelope(s) to be deposited in a box or other facility regularly maintained by FedEx, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents in an envelope designated by the said express service carrier, addressed as indicated, with delivery fees paid or provided for, to be transmitted by FedEx.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on **December 21, 2020**, at Los Angeles, California.

/s/*Hannah No*

Hannah No

**SERVICE LIST**

*Pennymac Loan Services, LLC v. Sitcomm Arbitration Association, et al.*;  
Case No. 2:19-cv-00193-KS-MTP

**VIA CERTIFIED MAIL:**

Ronnie Kahapea P.O. Box 875 Volcano, HI 96785	Defendant
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Brett “Eeon” Jones c/o California Institution for Men Post Box 3100 Chino, CA 91708	Defendant
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**VIA FEDEX:**

Mark Johnson 451 May Lane Louisa, VA 23093	Defendant
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Kirk Gibbs 4155 Lawrenceville Rd. PMB 8119 Lilburn, GA 30047	Defendant
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Sandra Goulette 3007 Crescent Hill Drive Laurel, MS 39440	Defendant
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Mark Moffett 345 Coon Jeffcoat Road Soso, MS 39480	Defendant
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**SERVICE LIST (continued)**

*Pennymac Loan Services, LLC v. Sitcomm Arbitration Association, et al.*;  
Case No. 2:19-cv-00193-KS-MTP

Rance Magee 11294 Rose Road Emmett, MI 48022	Defendant
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Innovated Holdings, Inc. dba Sitcomm Arbitration Association C/O Registered Agents, Inc. 30 N. Gould Street, Suite R Sheridan, WY 82801	Defendant
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